

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**
HAITHAM HASAN,

Plaintiff,

**5:18-cv-806
(GLS/ATB)**

v.

ONONDAGA COUNTY et al.,

Defendants.

APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

Haithem Hasan
Plaintiff
Pro Se
17-B-0550
Auburn Correctional Facility
P.O. Box 618
Auburn, NY 13021

**Gary L. Sharpe
Senior District Judge**

ORDER

The above-captioned matter comes to this court following a Order and Report-Recommendation by Magistrate Judge Andrew T. Baxter, duly filed on August 2, 2018. (Dkt. No. 9.) Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections

filed by the parties herein.¹

No objections having been filed, and the court having reviewed the Order and Report-Recommendation for clear error, it is hereby

ORDERED that the Order and Report-Recommendation (Dkt. No. 9) is **ADOPTED** in its entirety; and it is further

ORDERED that the amended complaint (Dkt. No. 3) is **DISMISSED WITH PREJUDICE** as against defendants William Fitzpatrick, Michael Manfredi, Tara Kalil, Patricia Sargent, James Quatrone, Frank Fowler, and Onondaga County; and it is further

ORDERED that the amended complaint is **DISMISSED WITH PREJUDICE** as against defendant J.M. Giarusso with respect to the July 2015 incident; and it is further

ORDERED that the amended complaint be **DISMISSED WITHOUT PREJUDICE** as against: (1) defendants Robert Jones III, David Ciciriallo, Jason Springer, Ryan Blake, and Joseph Szekecs with respect to the July 2015 incident; and (2) defendants Jacob Breen, Joseph Taylor, Sean Ryan, and John Tassini with respect to the August 7, 2016 incident; and it

¹ Plaintiff filed no objections; however, he submitted a document labeled "Amended Complaint," (Dkt. No. 10), which the court construes as a motion for leave to file a second amended complaint. That motion will be addressed by Judge Baxter in due course.

is further

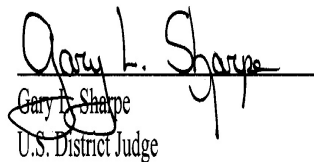
ORDERED that the following are the only remaining defendants/incidents: (1) Blake and Giarusso with respect to the December 26, 2015 incident; (2) defendants Scott Henderson and J. Ballagh with respect to the May 18, 2016 incident; and (3) Blake and defendants Chad Picotte and Chad King with respect to the August 7, 2016 incident; and it is further

ORDERED that the court construes plaintiff's August 15, 2018 "Amended Complaint" (Dkt. No. 10) as a motion for leave to file a second amended complaint, which will be addressed in due course by Judge Baxter; and it is further

ORDERED that the Clerk provide a copy of this Order to the parties in accordance with the Local Rules.

IT IS SO ORDERED.

August 24, 2018
Albany, New York


Gary L. Sharpe
U.S. District Judge